

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY NINETH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 3111 of 2004

Between:

1. M.Kuppaswamy Naidu, S/o.Late M.Gopal Naidu, 66 years,
2. Smt.M.Jayalakshmi, w/o.M.Kuppaswamy Naidu, 55 years.
3. M.Chakradhar Chowdary, s/o.M.Kuppaswamy Naidu, 39 years,
4. M.Udaybhaskar Chowdary, s/o.M.Kuppaswamy Naidu, 35 yeays,
5. Smt.M.Arunajyothi, w/o.M.Mohan, 38 years.

All are R/o.19-7-97/B, Jayachandra Buildings, R.C.Road, Tirupati.

(Petitioners 2 to 5 are rep. through their GPA Holder the 1st petitioner hererin.)

..... PETITIONERS

AND

1. The Andhra Pradesh Southern Power Distribution Company Limited (APSPDCL), Renigunta Road, Tirupati, Reep. By its Managing Director.
2. The Superintending Engineer, Andhra Pradesh Southern Power Disdtribution Company Limited, Bhavani Nagar, Tirupati, Chittoor District.
3. The Divisional Engineer, Operations (Town), Andhra Pradesh Southern Power Distribution Company Limited, Tiruchanur Road, Tirupati.

4. The Additional Divisional Engineer, Construction-cum-Operations (CCO), Andhra Pradesh Southern Power Distribution Company Limited, Tiruchanur Road, Tirupathi.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction, more particularly a writ in the nature of mandamus, declaring the action of the respondents in trying to lay 33 KV line through the land situated in Sy.No.147/1 of Avilala village, Tirupati Rural Mandal, Chittoor District to an extent of Ac.13.29 cents without following the due process of law and without notice as being illegal arbitrary, violative of principles of natural justice and fair play besides against the principles of promissory estoppel and articles 14, 19, 21 and 300-A of Constitution of India and consequently direct the Respondents not to lay the 33 KV line through the land situated in Sy.No.147/1 of Avilala Village, Tirupati Rural Mandal, Chittoor District to an extent of Ac.13.29 cents.

Counsel for the Petitioner: MR. MEHERCHAND NOORI

Standing Counsel for the Respondents : S.G. for Transco

The Court made the following :

HON'BLE MR JUSTICE B.PRAKASH RAO

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WRIT PETITION NO : 3111of 2004

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ORDER:

Heard both the learned counsel and at their request, the main writ petition itself is taken up for disposal.

The petitioners herein, who claimed to be the possessors of an extent of Ac.13-29½ of land in Survey No.147/1 of Avilala Village, Tirupati Rural Mandal, Chittoor Disdtrict, filed this writ petition, *inter alia*, seeking writ of Mandamus to declare the action of the respondents herein in laying 33 KV line through the said land without following due process of law and without notice to the petitioners and is being violative of Articles 14, 19, 21 and 300-A of Constitution of India.

Though several contentions have been urged in respect of the writ petition in the affidavit filed, having regard to the statement made in the counter affidavit filed on behalf of the respondents, which was sworn by 4th respondent- Additional Divisional Engineer, Construction-cum-Operations (CCO), Andhra Pradesh Southern Power Distribution Company Limited, Tiruchanur Road, Tirupathi, to the effect that the proposed 33 KV line was shifted, in view of the complaint received, to avoid accidents and the same is now being laid on the side of the existing road which belongs to the Government, there would not be any impediment to the petitioners' property or their enjoyment.

Recording the same, the writ petition is disposed of. No costs.

ASSISTANT REGISTRAR

29th July, 2004

kvr/skmr

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Section Officer

To

1. The Andhra Pradesh Southern Power Distribution Company Limited (APSPDCL), Renigunta Road, Tirupati, Reep. By its Managing Director.
2. The Superintending Engineer, Andhra Pradesh Southern Power Distribution Company Limited, Bhavani Nagar, Tirupati, Chittoor District.
3. The Divisional Engineer, Operations (Town), Andhra Pradesh Southern Power Distribution Company Limited, Tiruchanur Road, Tirupati.
4. The Additional Divisional Engineer, Construction-cum-Operations (CCO), Andhra Pradesh Southern Power Distribution Company Limited, Tiruchanur Road, Tirupathi.
5. Two C.D.Copies.